

BRIDGE ACROSS THE MISSISSIPPI RIVER AT
BETTENDORF, IOWA

JULY 3 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the following

REPORT

[To accompany H. R. 8194]

The Committee on Public Works, to whom was referred the bill (H. R. 8194) to amend an act approved May 26, 1928, relating to a bridge across the Mississippi River at Bettendorf, Iowa, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to amend the act approved May 26, 1928 (45 Stat. 759), which authorized construction of the existing Iowa-Illinois Memorial Bridge across the Mississippi River between Bettendorf, Iowa, and Moline, Ill., by adding new language to authorize enlargement and reconstruction of the bridge, and approaches thereto, including the construction of a separate but adjacent span and approaches with interconnections with the original span. The bill also provides for amortization of the cost of the structures over a 30-year period, after which they shall be maintained and operated free of tolls, in compliance with the policy established by the General Bridge Act of 1946.

The bridge was constructed as a two-lane bridge by the city of Davenport, Iowa, as assignee, and is being operated as a toll facility by the Davenport Bridge Commission, an agency of the city of Davenport. Due to the rapid growth and expansion in the Davenport-Rock Island area, the existing bridge is badly congested with traffic. It is proposed to enlarge and reconstruct this bridge and approaches, and construct a separate but adjacent span and approaches thereto, with interconnections with the original span. This would permit one-way movement of traffic over each bridge, and relieve the congestion that now exists. Operation and management would continue under the Davenport Bridge Commission.

The act of May 26, 1928, which authorized construction of the original bridge, provided no limitation on the period during which tolls could be collected thereon. This bill is in agreement with the policy that envisions ultimate cessation of collection of tolls. Plans for the proposed improvements are subject to approval of the Secretary of the Army, and the rates of tolls are subject to his review.

Section 506 of the General Bridge Act of 1946, as amended, is as follows:

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

The committee recommends enactment of this bill with the provision that the existing bridge and new span will become free of tolls after amortization of the cost of the proposed improvements, in accordance with existing policy. It appears desirable that after the cost of the bridge and existing facilities has been amortized by the collection of tolls they should become a part of the highway systems of the States and be maintained free of tolls the same as any other highways and bridges in the State highway system. The committee recommends passage of this bill in order that the State legislatures meeting in January 1953 can pass any necessary enabling legislation.

Enactment of this bill does not involve expenditure of Federal funds.

The comments of the Department of the Army and the Department of Commerce are as follows:

DEPARTMENT OF THE ARMY,
May 12, 1952.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

DEAR SENATOR CHAVEZ: Reference is made to your request for the views of this Department with respect to S. 2520, Eighty-second Congress, second session, a bill to authorize reconstruction of a bridge across the Mississippi River at Bettendorf, Iowa. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense.

The Department of the Army, on behalf of the Department of Defense, offers no objection to the favorable consideration of S. 2520, if amended as hereinafter recommended.

Section 1 of the act of May 26 1928 (45 Stat. 759), authorized certain individuals and their assigns to construct a bridge across the Mississippi River at Bettendorf, Iowa. By section 3 they were authorized to charge tolls subject to regulation by the Secretary of the Army under the authority contained in the Bridge Act of March 23, 1906 (33 U. S. C. 494). Sections 4 and 5 provided that after completion of the bridge the States or any political subdivision might acquire the bridge and continue to charge tolls. The amount paid for the bridge would be amortized within 20 years from the date of acquiring the bridge, after which it was to be free of tolls or the rates adjusted to provide only for maintenance and operation. Section 7 granted the right to transfer all the rights, powers, and privileges conferred by the act.

The bridge was actually constructed by the city of Davenport, Iowa, as assignee, and sections 4 and 5 of the act providing for acquisition by a public agency of the bridge after its completion, amortization of the cost within 20 years, and elimination or reduction of tolls thereafter, do not appear to have become effective.

S. 2520 would add to section 7 of the act a provision authorizing, from time to time, the enlargement and reconstruction of the bridge and approaches, including the construction of a separate but adjacent span, and the continuation of tolls to pay amortization and maintenance costs. As so amended the act would still not insure that the cost of the bridge will be amortized within a definite period or that the bridge will be made toll-free. The General Bridge Act of 1946, as amended (33 U. S. C. 529), provides that tolls for an interstate bridge constructed or acquired by a political subdivision shall be adjusted to amortize the cost within 30 years from the date of construction or acquisition, and the bridge shall thereafter be maintained free of tolls. In order to conform to the policy of the Congress expressed in the General Bridge Act of 1946 it is recommended that section 1 of S. 2520 be amended by deleting the words "from time to time, and" in line 1, page 2, and by inserting after "cost", in line 14, page 2, the words "as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of completing the work herein authorized in accordance with the approved plans, and after a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls."

The bill does not involve the expenditure of funds by the United States.

This report has been coordinated among the departments and boards in the Department of Defense in accordance with the procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, JR.,
Secretary of the Army.

THE SECRETARY OF COMMERCE,
Washington, June 6, 1952.

Hon. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in further reply to your communication of January 29, 1952, requesting the comments of the Department concerning S. 2520, a bill to authorize reconstruction of a bridge across the Mississippi River at Bettendorf, Iowa.

The bill would amend section 7 of the act approved May 26, 1928 (45 Stat. 759), which authorized construction of the existing Iowa-Illinois Memorial Bridge across the Mississippi River between Bettendorf, Iowa, and Moline, Ill., by adding at the end of said section new language to authorize enlargement and reconstruction of said bridge, and approaches thereto, including the construction of a separate but adjacent span and approaches thereto with interconnections with the original span.

Due to the industrial expansion in the vicinity of Bettendorf and the development and growth in the general area of Davenport and Bettendorf in Iowa and of Rock Island and Moline in Illinois, it is reported that the existing two-lane bridge is badly congested with traffic and that the proposed construction and reconstruction work, which would make possible one-way movement of traffic over the original and proposed new span, is needed to provide adequate bridge and bridge approach facilities. The existing bridge is operated as a toll facility by the Davenport Bridge Commission, an agency of the city of Davenport, Iowa, and it is reported that the toll revenues from this bridge have now provided funds sufficient to complete final payment of the cost thereof and have further provided a substantial surplus to apply toward the cost of the proposed improvements.

The act of May 26, 1928, which authorized construction of the original bridge, prescribed no limitation on the period during which tolls may be collected thereon, and neither does the pending bill in its present form prescribe any such limitation with respect to the collection of tolls on the present span after it has been enlarged and reconstructed in the manner proposed or on the proposed adjacent span to be constructed. The bill provides that it shall be subject to the limitations expressed in section 3 of the act of May 26, 1928, but said section 3 merely requires that the

rates of toll fixed shall be the legal rates until changed by the Secretary of the Army under the authority contained in the act of March 23, 1906.

The policy of Congress with respect to the collection of tolls for the use of any interstate bridge constructed or acquired by a State, municipality, or other political subdivision or public agency thereof, is now established under the General Bridge Act of 1946 (60 Stat. 812), as amended by an act approved May 25, 1948 (62 Stat. 267). Section 506 of said act provides that the rates of toll for any such bridge shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not be exceed 30 years from the date of constructing or acquiring the same, and that after a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. The pending bill in its present form, therefore, would be in direct conflict with such established policy as it would seemingly permit perpetuation of tolls with no statutory provision to insure that tolls ultimately would cease.

The Department is of the view, therefore, that the bill should be amended so that the existing bridge and proposed new span, upon amortization of the cost of the proposed improvements, will become free of tolls in line with the policy now established under the General Bridge Act of 1946, as amended. To accomplish this it is recommended that the pending bill be amended as follows:

In line 1, page 2, strike out the words "from time to time, and". Such words would seem unnecessary and might readily be construed to permit readjustment and further continuation of tolls for the purpose of financing future improvements that may be proposed from time to time, subsequent to those now contemplated.

In line 14, page 2, immediately following the comma after the word "cost", insert the words "as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completion of such improvements, and after a sinking fund sufficient for such amortization shall have been so provided, such bridge and adjacent span shall thereafter be maintained and operated free of tolls."

Change the designation of "Sec. 2." to "Sec. 3.", and insert a new section to be designated "Sec. 2.", to read as follows:

"SEC. 2. The second sentence of section 5 of the Act approved May 26, 1928, is hereby amended by substituting a period for the comma which immediately follows the words 'operated free of tolls' in said sentence, and by striking out the remaining language of the sentence."

The language which would be so stricken from the second sentence of said section 5 of the act of May 26, 1928, authorizes endless continuation of tolls beyond the period required to amortize its cost for the purpose of maintaining, repairing, and operating the existing bridge and such language should be eliminated since it is in conflict with the policy under the General Bridge Act of 1946 that tolls should cease when a fund sufficient for amortization purposes has been provided.

If the pending bill is amended in line with the foregoing recommendations, its enactment would be without objection to this Department.

We are advised by the Bureau of the Budget that there would be no objection to the submission of our report on H. R. 6049, which bill is identical in substance to S. 2520.

Sincerely yours,

JACK GARRETT SCOTT,
Acting Secretary of Commerce.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by this bill are shown as follows (existing law in which no change is made is printed in roman; omitted matter is printed within black brackets; the new matter is printed in italics):

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal repre-

sentatives, and assigns, and any corporation to which or any person to whom such rights, powers and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person. Any State or public agency or political subdivision thereof that may have originally constructed said bridge as assignee of the rights, powers, and privileges conferred by this Act, and any State or public agency or political subdivision thereof that may have succeeded to the rights of such assignee and that may have taken over or acquired said bridge, is hereby authorized, and subject to approval of the pertinent plans by the Chief of Engineers and Secretary of the Army, to enlarge and reconstruct said bridge and approaches, including the construction of a separate but adjacent span across the Mississippi River and approaches thereto with interconnections with the original span, and to continue to charge tolls for transit over such bridge as so enlarged and reconstructed, subject to the limitations expressed in section 3 hereof, to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches as so enlarged and reconstructed under economical management and to provide a sinking fund to amortize the cost thereof including interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completion of such improvements, and after a sinking fund sufficient for such amortization shall have been so provided, such bridge and adjacent span shall thereafter be maintained and operated free of tolls in accordance with such arrangement as may be mutually agreed upon by the public agency or political subdivision then owning said bridge and the State Highway Departments or other appropriate authorities of Iowa and Illinois, and, in connection with any such enlargement and reconstruction of said bridge and approaches thereto, shall have the right and power to enter upon and acquire, condemn, occupy, possess, and use such real estate and other property as may be needed upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings for such condemnation shall be the same as in the condemnation of private property for public purposes in such State.

SEC. 5. * * * After a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, [or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.] in accordance with such arrangement as may be mutually agreed upon by the public agency or political subdivision then owning said bridge and the State Highway Departments or other appropriate authorities of Iowa and Illinois.

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